

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Valero v. Superior Court*, S093477, and *Correa v. Superior Court*, S093476 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S098775 The People, Defendant and Respondent
2nd Dist. v.
B139931 Monica Mary Chavez, Defendant and Appellant
Div. 3 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Anderson*, S094710 and *People v. Reay et al.*, S093980 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S098821 The People, Plaintiff and Respondent
2nd Dist. v.
B142586 Jose Luis Rodriguez, Defendant and Appellant
Div. 3 Petition for review GRANTED.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.

S099017 The People, Plaintiff and Respondent
6th Dist. v.
H020377 Michael Clayton Phillips, Defendant and Appellant
 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Engelman*, S086462, (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S099376 Vidal Bravo et al., Petitioners
5th Dist. v.
F037557 Kern County Superior Court, Respondent
 The People, Real Party in Interest
 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of related issues in *Manduley v. Superior Court*, S095992 (see Cal. Rules of Court, rule 29.2(c)). Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

Pending final determination of the matter in this court, the trial in *People v. Vidal Bravo and Jose Ramirez*, Kern County Superior Court Numbers SC081685B and SC081685C, is hereby stayed.

Baxter, J., was recused and did not participate.

George, C.J.
Kennard, J.
Werdegar, J.
Chin, J.
Brown, J.

S099619 Ruth Sherman et al., Plaintiffs and Respondents
2nd Dist. v.
B134398 Allstate Insurance Company, Defendant and Respondent
Div. 7 Michael Reese et al., Appellants
Petition for review GRANTED.
Chin, J., was recused and did not participate.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Brown, J.

S081120 In re Gerald Frank Stanley
On
Habeas Corpus
THE COURT:

Petitioner having filed with this court, on June 11, 2001, a document stating that he does not wish to proceed with the petition for writ of habeas corpus filed on his behalf in this court, and good cause appearing, the Presiding Judge of the Marin County Superior Court is ordered to select a judge of that court to sit as a referee in this proceeding and to promptly notify this court of the referee selected.

After appointment by this court, the referee is directed to hold, after proper notice to the parties, an evidentiary hearing to determine whether Gerald Frank Stanley is mentally competent to withdraw his petition for writ of habeas corpus, applying the standard set out by the United States Supreme Court in *Rees v. Payton* (1966) 384 U.S. 312, 314, as follows: “whether [the prisoner] has capacity to appreciate his position and make a rational choice with respect to continuing or abandoning further litigation or on the other hand whether he is suffering from a mental disease, disorder, or defect which may substantially affect his capacity” The referee also shall make findings on the question whether the prisoner has made a knowing, intelligent and voluntary waiver of his right to proceed. (See *Whitmore v. Arkansas* (1990) 495 U.S. 149, 165.) The Attorney General and counsel appointed for Stanley, the Federal

Public Defender, may participate in the hearing. Separate counsel may be appointed for Stanley if he so requests. The referee may appoint experts in the fields of psychiatry and psychology to examine and test Stanley and to testify at the hearing before the referee. (See *Rees v. Payton*, *supra*, 384 U.S. at pp. 313-314; *Mason v. Vasquez* (9th Cir. 1993) 5 F.3d 1220, 1221-1224.) The referee shall make findings whether Stanley's competence is established by a preponderance of the evidence. (*Mason v. Vasquez*, *supra*, at p. 1225.) After the hearing, the referee shall promptly make the required findings and transmit those findings to this court with the record of the hearing, including all exhibits.

S082570 Brian J. Donovan, Appellant
4th Dist. v.
G024997 RRL Corporation, Respondent
Div. 3 Petition for rehearing DENIED.

Baxter, J., and Werdegar, J., are of the opinion the petition should be granted.
Opinion modified.

S088807 The People, Respondent
1st Dist. v.
A086761 Jimmie Dale Otto, Appellant
Div. 5 Petition for rehearing DENIED.

S043733 In re Alfredo Alvarado Padilla
on
Habeas Corpus

The Petition for Writ of Habeas Corpus is denied.

Claims 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 16, and 18 are denied on the merits.

Claims 9, 13, and 14 are denied on the merits. They also are procedurally barred under *In re Dixon* (1953) 41 Cal.2d 756, 759, because they are based solely on the appellate record and should have been raised on appeal.

Claim 15 is denied on the merits. George, C.J., Baxter, J., and Chin, J., also would deny that claim as procedurally barred under *People v. Davenport* (1996) 11 Cal.4th 1171, 1195, because the

claim of denial of a representative jury should have been raised in the trial court, and under *People v. Jenkins* (2000) 22 Cal.4th 900, 993-994, because the claim that the prosecutor improperly used peremptory challenges should have been raised in the trial court. Those justices are of the opinion that these claims are not procedurally barred, however, to the extent they are based upon allegations of ineffective assistance of counsel.

Claim 17 is denied on the merits. It also is procedurally barred under *In re Waltreus* (1965) 62 Cal.2d 218, 225, because it was raised and rejected on appeal.

Kennard, J., and Brown, J., are of the opinion an order to show cause should issue as to Claim 12, paragraphs CXLVII(B), CXLIX(C), CL(A)-(H), and CLI(A)-(M).

The Attorney General's Motion to Strike Support Materials for Reply to Informal Response, filed May 14, 1996, is denied.

S099968 Melvin Lee Wilson, Petitioner
 v.
 Court of Appeal Third Appellate District, Respondent
 People, Real Party in Interest
 Petition for writ of mandate/prohibition DENIED.

S100234 Robert Lindsay Cheney, Petitioner
 v.
 Court of Appeal Third Appellate District, Respondent
 People, Real Party in Interest
 Petition for stay and petition for writ of mandate DENIED.

S097755 People, Plaintiff and Respondent
1st Dist. v.
A091500 Dale Howard Johnson, Defendant and Appellant
Div. 4 The issues to be briefed and argued before this court are hereby expanded to include the following: (1) Whether trial courts have authority to condition a grant of probation on a waiver of custody credits and, if so, what is the source of that authority? and (2) If a trial court exceeds its authority in conditioning a grant of probation on a waiver of custody credits, what is the appropriate remedy?
 A Brief on the Merits is to be served and filed on or before October 12, 2001. Additional briefing is to be served and filed in a timely fashion. (See rule 29.3(a), Cal. Rules of Court.)

1st Dist. People, Respondent
A087022 v.
Div. 3 Douglas Ray Anderson, Appellant
S099787 Petition for review DENIED.

1st Dist. People, Respondent
A088096 v.
Div. 5 Darryl J. Francis, Appellant
S099575 Petition for review DENIED.

1st Dist. People, Respondent
A088848 v.
Div. 3 Michael Patrick, Appellant
S099490 Petition for review DENIED.

1st Dist. People, Respondent
A088968 v.
Div. 4 Robert Neal Sanger, Appellant
S099636 Petition for review DENIED.

1st Dist. People, Respondent
A089165 v.
Div. 5 Albert Luevanos, Appellant
S099139 Petition for review DENIED.

1st Dist. People, Respondent
A089200 v.
Div. 1 Bruce Wai Yeung, Appellant
S099688 Petition for review DENIED.

1st Dist. People, Respondent
A089452 v.
Div. 3 Kevin Jones, Appellant
S099703 Petition for review DENIED.

1st Dist. People, Respondent
A090197 v.
Div. 5 Gerald Morgan, Appellant
S098828 Petition for review DENIED.

1st Dist. A090284 Div. 2 S098800	People, Respondent v. David Alvin Lowrie, Appellant Petition for review DENIED. Kennard, J., is of the opinion the petition should be granted.
1st Dist. A090384 Div. 3 S099645	People, Respondent v. George Edward McCrae, Appellant Petition for review DENIED.
1st Dist. A090437 Div. 5 S099170	Home Builders Association of Northern California, Plaintiff and Appellant v. City of Napa et al., Defendants and Respondents Napa Valley Community Housing et al., Intervenors and Respondents Petition for review DENIED.
1st Dist. A090452 Div. 3 S099571	G.A. "Skip" Moore, Plaintiff and Appellant v. James Griffin et al., Defendants and Respondents Petition for review DENIED.
1st Dist. A090470 Div. 2 S099593	Lawrence Kiepert et al., Appellants v. Contra Costa Fire Protection District, Defendant and Respondent Petition for review DENIED.
1st Dist. A090551 Div. 5 S098614	People, Respondent v. Gerald Garcia, Appellant Petition for review DENIED.
1st Dist. A090571 Div. 5 S099539	People, Respondent v. Rigoberto Fajardo Morataya, Appellant Petition for review DENIED.

1st Dist. People, Respondent
A090848 v.
Div. 5 David Arthur Cox, Appellant
S099632 Petition for review DENIED.

1st Dist. People, Respondent
A091027 v.
Div. 2 Robert Washington, Appellant
S099621 Petition for review DENIED.

1st Dist. People, Respondent
A091028 v.
Div. 3 Anthony T. Pratt, Appellant
S099572 Petition for review DENIED.

1st Dist. In re Roger G., a Person Coming Under the Juvenile Court Law
A091157 -----
Div. 4 People, Respondent
S099494 v.
Roger G., Appellant
Petition for review DENIED.

1st Dist. People, Respondent
A091074 v.
Div. 1 Larry Lavonta Tait, Appellant
S099670 Petition for review DENIED.

1st Dist. People, Respondent
A091236 v.
Div. 3 Johnny Lawrence Brinson, Appellant
S099585 Petition for review DENIED.

1st Dist. People, Respondent
A091238 v
Div. 5 Lorenzo Haley, Jr., Appellant
S099765 Petition for review DENIED.

1st Dist. Curtis W. Lint, Appellant
A091300 v.
Div. 4 Frank Stokes Anderson et al., Respondents
S099062 Petition for review DENIED.

1st Dist. Information Systems and Networks Corporation,
A091315 Cross-complainant and Appellant
Div. 1 v.
S099607 Securacom Inc., Cross-defendant and Respondent
Petition for review DENIED.

1st Dist. The People, Respondent
A091587 v.
Div. 5 Sandra M. Young, Appellant
S099449 Petition for review DENIED.

1st Dist. People, Respondent
A091773 v.
Div. 2 Jamai Johnson, Appellant
S099524 Petition for review DENIED.

1st Dist. People, Respondent
A091775 v.
A092257 Robert A. Pizzagrani, Appellant
Div. 5 And Companion Case
S099464 Petition for review DENIED.

1st Dist. People, Respondent
A091903 v.
Div. 3 Lawrence Anthony Cuevas, Appellant
S098974 Petition for review DENIED.

1st Dist. People, Respondent
A092713 v.
Div. 1 Richard Salvador Gomez, Appellant
S099786 Petition for review DENIED.

1st Dist. Scott Emerson Felix, Petitioner
A095125 v.
Div. 5 San Francisco County Superior Court, Respondent
S098797 People, Real Party in Interest
Petition for review DENIED.

1st Dist. Roderick Serrano, Petitioner
A095395 v.
Div. 5 Workers' Compensation Appeals Board, Respondent
S099068 Graphic Research, Inc. et al., Respondents
Petition for review DENIED.

1st Dist. Ira Gene Fuller et al., Petitioners
A095419 v.
Div. 2 San Francisco County Superior Court, Respondent
S099232 Chevron U.S.A., Inc., Real Party in Interest
Petition for review DENIED.

1st Dist. Richard Moody, Petitioner
A095421 v.
Div. 3 Contra Costa County Superior Court, Respondent
S099520 People, Real Party in Interest
Petition for review DENIED.

1st Dist. Keyon Ryheem Wilson, Petitioner
A095437 v.
Div. 3 Contra Costa County Superior Court, Respondent
S098891 People, Real Party in Interest
Petition for review DENIED.

1st Dist. The Upper Deck Company et al., Petitioners
A095472 v.
Div. 5 Alameda County Superior Court, Respondent
S099290 Nicholas Chaset et al., Real Parties in Interest
Petition for review DENIED.

1st Dist. Julie Ward et al., Petitioners
A095523 v.
Div. 3 Contra Costa County Superior Court, Respondent
S099421 Daryl E. Johnson, Real Party in Interest
Application for stay and petition for review DENIED.

1st Dist. Joseph Schmidt, Petitioner
A095553 v.
Div. 3 San Mateo County Superior Court, Respondent
S099459 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. B111649 Div. 4 S099789	People, Respondent v. Daniel John O'Hare, Appellant Petition for review DENIED.
2nd Dist. B131377 Div. 3 S099609	John F.Stiffler, Plaintiff, Respondent and Appellant v. Ogden Ground Services Inc. et al., Defendants, Appellants and Respondents Petition for review DENIED.
2nd Dist. B132066 Div. 7 S098672	People, Respondent v. Edward Donnel Dixon, Defendant and Appellant Petition for review DENIED.
2nd Dist. B134811 B147605 Div. 1 S099767	People, Respondent v. Michael Thomas Sermeno, Appellant ----- In re Michael Thomas Sermeno on Habeas Corpus Petition for review DENIED.
2nd Dist. B135330 Div. 3 S099000	People, Respondent v. Raymond Anthony McGinnis, Appellant Petition for review DENIED.
2nd Dist. B137595 Div. 3 S099304	Brenda Perez, Respondent v. Tutor-Saliba Corporation et al., Appellants Petition for review DENIED.
2nd Dist. B137865 Div. 7 S099747	Steve Jay Easton, Respondent v. Internet Data, Inc. et al., Appellants Petition for review DENIED.

2nd Dist. B137885 Div. 5 S099762	Mark Lueker, Appellant v. Ernesto Bues et al., Respondents Petition for review DENIED.
2nd Dist. B138211 Div. 6 S099493	People, Respondent v. Alvin Larsuel Jr., Appellant Petition for review DENIED.
2nd Dist. B139106 Div. 3 S098870	People, Respondent v. Juan Manuel Maceo, Appellant Petition for review DENIED.
2nd Dist. B139115 Div. 1 S099755	People, Respondent v. Chifung James Hung et al., Appellants Petition for review DENIED.
2nd Dist. B139371 Div. 1 S099731	People, Respondent v. Jason Jeramy Steward et al., Appellants Petition for review DENIED.
2nd Dist. B140322 Div. 2 S099728	People, Respondent v. Jack Brown Brayboy, Appellant Petition for review DENIED.
2nd Dist. B140371 Div. 6 S099824	People, Respondent v. Lloyd Wayne Ransome, Appellant Petition for review DENIED.
2nd Dist. B140407 Div. 1 S099756	People, Respondent v. Carlos Enrique Herrera, Appellant Petition for review DENIED.

2nd Dist. B140454 Div. 7 S098894	People, Respondent v. Alejandro Delaloza, Appellant Petition for review DENIED.
2nd Dist. B140463 Div. 1 S098997	People, Respondent v. Duane Johnson, Appellant Petition for review DENIED.
2nd Dist. B140675 Div. 7 S099878	In re the Marriage of Mark and Darci L. Morales ----- Brittany S. etc., Appellant v. Mark A. Morales, Respondent Petition for review DENIED.
2nd Dist. B140771 Div. 4 S099008	People, Respondent v. Aurelio D. Moriwaki, Appellant Petition for review DENIED.
2nd Dist. B140779 Div. 4 S099229	People, Respondent v. Ramon E. Sandoval, Appellant Petition for review DENIED.
2nd Dist. B140877 Div. 3 S098824	People, Respondent v. Salvador Solis, Appellant Petition for review DENIED.
2nd Dist. B141024 Div. 1 S099683	People, Respondent v. Leonard Gonzales, Appellant Petition for review DENIED.
2nd Dist. B141717 Div. 1 S099592	People, Respondent v. Will Thomas Harper III et al., Appellants Petitions for review DENIED.

2nd Dist. B141719 Div. 3 S099497	People, Respondent v. Lisa M. Welchert, Appellant Petition for review DENIED.
2nd Dist. B141938 Div. 3 S099568	People, Respondent v. Anthony M. Garcia-Luna, Appellant Petition for review DENIED.
2nd Dist. B141942 Div. 6 S099516	People, Respondent v. William Harry Redcay, Appellant Petition for review DENIED.
2nd Dist. B141973 Div. 1 S099649	People, Respondent v. John E. McElroy, Appellant Petition for review DENIED.
2nd Dist. B142071 Div. 7 S099633	People, Respondent v. Gabriel Covarrubias, Appellant Petition for review DENIED.
2nd Dist. B142240 Div. 4 S099680	People, Respondent v. Charles Edward Johnson, Appellant Petition for review DENIED.
2nd Dist. B142245 Div. 1 S099745	People, Respondent v. Lasants R. Cole, Appellant Petition for review DENIED.
2nd Dist. B142646 Div. 6 S099447	People, Respondent v. Charles Michael Smith, Appellant Petition for review DENIED.

2nd Dist. People, Respondent
B142882 v.
Div. 1 Maurice Strain, Appellant
S099470 Petition for review DENIED.

2nd Dist. People, Respondent
B142919 v.
Div. 2 Luis M. Angulo et al., Appellants
S098958 Petitions for review DENIED.

2nd Dist. People, Respondent
B143077 v.
Div. 4 Samuel Salinas, Appellant
S099690 Petition for review DENIED.

2nd Dist. Tony Lee Hill, Appellant
B143186 v.
Div. 4 Catherine Peck, Respondent
S098923 Petition for review DENIED.

2nd Dist. Ivan Shinkle et al., Plaintiffs and Appellants
B143309 v.
Div. 2 City of Los Angeles, Defendant and Respondent
S099034 Richard I. Fine, Objector and Appellant
Petition for review DENIED.
The request for an order directing publication of the opinion is denied.

2nd Dist. People, Respondent
B143481 v.
Div. 7 Kevin A. Flores, Appellant
S098954 Petition for review DENIED.

2nd Dist. People, Respondent
B143482 v.
Div. 1 Arnold Brodsky, Appellant
S099043 Petition for review DENIED.

2nd Dist. Harvey Bookstein, Respondent
B143595 v.
Div. 5 Sarah Gross, as Trustee, etc., Appellant
S099395 Petition for review DENIED.

2nd Dist. People, Respondent
B143629 v.
Div. 6 Anthony Richard Gonzales, Appellant
S099648 Petition for review DENIED.

2nd Dist. Nicole Kallas, Appellant
B143753 v.
Div. 3 City of Los Angeles, Respondent
S099362 Petition for review DENIED.

2nd Dist. People, Respondent
B143787 v.
Div. 7 Jeanino A. Jimenez, Appellant
S098375 Petition for review DENIED.

2nd Dist. Leonard Milstein, Respondent
B143854 v.
Div. 1 Stephen L. Cooley, Respondent
S098986 Petition for review DENIED.

2nd Dist. Los Angeles Times, Appellant
B143895 v.
Div. 7 Alameda Corridor Transportation Authority, Respondent
S098586 Petition for review DENIED.
The request for an order directing depublication of the opinion is denied.

2nd Dist. People, Respondent
B144154 v.
Div. 2 Deshawn S. Ross, Appellant
S099492 Petition for review DENIED.

2nd Dist. In re Humberto U., a Person Coming Under the Juvenile Court Law
B144376 -----
Div. 5 People, Respondent
S099586 v.
Humberto U., Appellant
Petition for review DENIED.

2nd Dist. People, Respondent
B144702 v.
Div. 2 Samuel Bernice Williams, Appellant
S098850 Petition for review DENIED.

2nd Dist. In re Paris N., a Person Coming Under the Juvenile Court Law
B144717 -----
Div. 7 Department of Children and Family Services, Los Angeles County
S099474 Plaintiff and Respondent
v.
Wesley M., Defendant and Appellant
Petition for review DENIED.

2nd Dist. People, Respondent
B144870 v.
Div. 2 Dean C. Drake, Appellant
S099746 Petition for review DENIED.

2nd Dist. Estate of Edward Henry Wright, Deceased
B145083 -----
Div. 6 Dorothy Ann Gunning, Petitioner and Appellant
S099687 v.
Joseph S. Caudill, Objector and Respondent
Petition for review DENIED.
The request for an order directing depublication of the opinion is
denied.

2nd Dist. In re Connie O., a Person Coming Under the Juvenile Court Law
B145403 -----
Div. 6 Ventura County Human Services Agency, Plaintiff and Respondent
S099712 v.
Freddie O., Appellant
Petition for review DENIED.

2nd Dist. People, Respondent
B145885 v.
Div. 1 Marco Vincent Del Aguila, Appellant
S099465 Petition for review DENIED.

2nd Dist. People, Respondent
B145963 v.
Div. 2 Benjamin F. Ellis, Appellant
S098736 Petition for review DENIED.

2nd Dist. People, Respondent
B146005 v.
Div. 2 Paul R. Flores, Appellant
S098952 Petition for review DENIED.

2nd Dist. David C. Breiholz, Appellant
B146127 v.
Div. 1 Farmers Group Inc., Respondent
S099641 Petition for review DENIED.

2nd Dist. In re Steve S., a Person Coming Under the Juvenile Court Law
B146446 -----
Div. 1 Los Angeles Dept. of Children & Family Svcs., Respondent
S099759 v.
Sharon S., Appellant
Petition for review DENIED.

2nd Dist. Steve Cooley, Petitioner
B148019 v.
Div. 5 Los Angeles County Superior Court, Respondent
S098953 Dwayne Edwards, Real Party in Interest
Petition for review DENIED.

2nd Dist. Stephen W. Smith, Petitioner
B148309 v.
Div. 7 Workers' Compensation Appeals Board et al., Respondents
S099707 Petition for review DENIED.

2nd Dist. Raul Duran, Petitioner
B150010 v.
Div. 6 Workers' Compensation Appeals Board et al., Respondents
S099453 Petition for review DENIED.

2nd Dist. Michael Lapp, Petitioner
B150601 v.
Div. 6 Workers' Compensation Appeals Board et al., Respondents
S099473 Petition for review DENIED.

2nd Dist. People, Petitioner
B150647 v.
Div. 6 Ventura County Superior Court, Respondent
S098991 Billy Paul Birdwell, Real Party in Interest
Petition for review DENIED.

2nd Dist. Pioneer Life Insurance Company et al., Petitioners
B150721 v.
Div. 6 San Luis Obispo County Superior Court, Respondent
S099085 Michael T. McNellis, Real Party in Interest
Petition for review DENIED.

2nd Dist. Manuel Garza, Petitioner
B150986 v.
Div. 6 California Indemnity Ins. Co. et al., Respondents
S099610 Petition for review DENIED.

2nd Dist. Prins Chang, Petitioner
B151288 v.
Div. 2 Los Angeles County Superior Court, Respondent
S099272 Dan Doolittle, Real Party in Interest
Petition for review DENIED.

2nd Dist. Reliant Energy Power Generation Inc. et al., Petitioners
B151455 v.
Div. 3 Los Angeles County Superior Court, Respondent
S099458 Bill Lockyer, as Attorney General, etc., Real Party in Interest
Application for stay and petition for review DENIED.

2nd Dist. John Hayes, Petitioner
B151459 v.
Div. 6 San Luis Obispo County Superior Court, Respondent
S099443 Mid-State Properties et al., Real Parties in Interest
Petition for review DENIED.

2nd Dist. Darold S., Petitioner
B151580 v.
Div. 5 Los Angeles County Superior Court, Respondent
S099472 Dept. of Children & Family Svcs., Real Party in Interest
Petition for review DENIED.

2nd Dist. Kenneth Carlisle, Petitioner
B151810 v.
Div. 5 Los Angeles County Superior Court, Respondent
S099642 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. Michael Duarte, Petitioner
B152186 v.
Div. 7 Orange County Superior Court, Respondent
S100160 Application for stay and petition for review DENIED.

2nd Dist. Henry Chung, Petitioner
B152795 v.
Div. 5 Los Angeles County Superior Court, Respondent
S100529 People, Real Party in Interest
Application for stay and petition for review DENIED.

3rd Dist. People, Respondent
C031475 v.
S099839 Dwight Harrell Jackson, Appellant
Petition for review DENIED.

3rd Dist. People, Respondent
C031565 v.
S099790 Constance Ruth Collier, Appellant
Petition for review DENIED.

3rd Dist. People, Respondent
C033332 v.
S098723 Raymond Preston Idleman, Appellant
Petition for review DENIED.

3rd Dist. Burger & Plavan, Respondent
C033174 v.
C033545 California Housing Corporation et al., Appellants
C032244 And Companion Cases
S098976 Petition for review DENIED.

3rd Dist. People, Respondent
C034240 v.
S099565 Carl Eugene Wilson, Appellant
 Petition for review DENIED.

3rd Dist. People, Respondent
C034349 v.
S099566 Miguel Garza, Appellant
 Petition for review DENIED.

3rd Dist. People, Respondent
C034523 v.
S099521 Anthony Bluford, Appellant
 Petition for review DENIED.

3rd Dist. People, Respondent
C035045 v.
S099468 Alvis Garrison, Appellant
 Petition for review DENIED.

3rd Dist. People, Respondent
C035216 v.
S099729 Johnny Ray Oliver, Appellant
 Petition for review DENIED.

3rd Dist. Jill Kessel, Plaintiff and Appellant
C035682 Mike Kessel, Petitioner
S099664 v.
 City of Redding, Defendant and Respondent
 Petition for review DENIED.

3rd Dist. People, Respondent
C036201 v.
S099752 Alonzo Deon Johnson, Appellant
 Petition for review DENIED.

3rd Dist. Peggy Williams, Petitioner
C038719 v.
S099146 Workers' Compensation Appeals Board, Respondent
Petition for review DENIED.

4th Dist. People, Respondent
D030488 v.
Div. 1 Jose Ramon Islas, Appellant
S098892 Petition for review DENIED.

4th Dist. People, Respondent
D034528 v.
Div. 1 John Contreras, Appellant
S099751 Petition for review DENIED.

4th Dist. People, Plaintiff and Appellant
D034610 v.
D035340 Dirk Wayne Summers, Defendant and Respondent
Div. 1 -----
S098948 People, Defendant and Respondent
v.
Dirk Wayne Summers, Defendant and Appellant
Petition for review DENIED.

4th Dist. Dana K. Ferrell, Plaintiff and Appellant
D034864 v.
Div. 1 County of San Diego, Defendant and Appellant
S099155 Petition for review DENIED.

4th Dist. People, Respondent
D034891 v.
Div. 1 Gary Steven Balaoing, Appellant
S099591 Petition for review DENIED.

4th Dist. In re K. J., a Person Coming Under the Juvenile Court Law
D035786 -----
Div. 1 People, Plaintiff and Respondent
S099810 v.
K. J., Defendant and Appellant
Petition for review DENIED.

4th Dist. People, Respondent
D035858 v.
Div. 1 John Earl Spade, Appellant
S099570 Petition for review DENIED.

4th Dist. In re Chanda T., a Person Coming Under the Juvenile Court Law
D037224 -----
Div. 1 San Diego County Health and Human Services Agency, Respondent
S100037 v.
Sort C., Appellant
Petition for review DENIED.

4th Dist. People, Respondent
D037305 v.
Div. 1 Joroslav Grzegor Derwich, Appellant
S099735 Petition for review DENIED.

4th Dist. In re Daniel Dean Tagaloni
D038208 on
Div. 1 Habeas Corpus
S099666 Petition for review DENIED.

4th Dist. Sejour Development Corporation, Petitioner
D038212 v.
Div. 1 San Diego County Superior Court, Respondent
S099713 Banque National De Paris, Real Party in Interest
Petition for review DENIED.

4th Dist. People, Respondent
E026486 v.
Div. 2 Joshua Casper Hagan, Appellant
S099696 Petition for review DENIED.

4th Dist. Jaimie Fuller, Appellant
E026784 v.
Div. 2 Department of Transportation, Respondent
S099292 Petition for review DENIED.
Werdegar, J., is of the opinion the petition should be granted.
The Court of Appeal's request for further partial publication of
its opinion is denied.

4th Dist. In re Crystal M., a Person Coming Under the Juvenile Court Law
E026903 -----
Div. 2 People, Respondent
S099166 v.
Crystal M., Appellant
Petition for review DENIED.

4th Dist. M. G., Respondent
E027632 v.
Div. 2 Time Warner Incorporated, Appellant
S098989 Petition for review DENIED.
George, C.J., and Brown, J., were recused and did not participate.

4th Dist. In re Charles B., a Person Coming Under the Juvenile Court Law
E027703 -----
Div. 2 People, Respondent
S099564 v.
Charles B., Appellant
Petition for review DENIED.

4th Dist. People, Respondent
E027724 v.
Div. 2 Reginald Rey, Appellant
S099471 Petition for review DENIED.

4th Dist. People, Respondent
E027978 v.
Div. 2 Fanon Figgers, Appellant
S099035 Petition for review DENIED.
Kennard, J., and Werdegar, J., are of the opinion the petition
should be granted.

4th Dist. In re Simon M., a Person Coming Under the Juvenile Court Law
E028331 -----
Div. 2 People, Respondent
S099289 v.
Simon M., Appellant
Petition for review DENIED.

4th Dist. E028489 Div. 2 S099698	People, Respondent v. Ronnie Gene Moore, Appellant Petition for review DENIED.
4th Dist. E029705 Div. 2 S098810	John Joseph Stillwell, Petitioner v. San Bernardino County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
4th Dist. E029786 Div. 2 S099302	The Valspar Corporation et al., Petitioners v. Riverside County Superior Court, Respondent Sunbelt Sports Paint, Inc., Real Party in Interest Petition for review DENIED.
4th Dist. E029986 Div. 2 S100035	Jesse Brian Brittain, Petitioner v. Riverside County Superior Court, Respondent People, Real Party in Interest Application for stay and petition for review DENIED.
4th Dist. G016442 Div. 3 S098144	People, Respondent v. Thomas F. Maniscalco, Appellant Petition for review DENIED.
4th Dist. G022722 Div. 3 S099716	Kenneth Kerth, Appellant v. County of Orange et al., Respondents Petition for review DENIED.
4th Dist. G023417 Div. 3 S099082	In re the Marriage of Thomas E. and Donna Ray Dilday ----- Thomas Emery Dilday, Respondent v. Donna Ray Dilday, Appellant Petition for review DENIED.

4th Dist. People, Respondent
G024784 v.
Div. 3 Alfonso Frank Gomez, Appellant
S099417 Petition for review DENIED.

4th Dist. People, Respondent
G025266 v.
Div. 3 Mark Sanders, Appellant
S098790 Petition for review DENIED.

4th Dist. People, Respondent
G025414 v.
Div. 3 Robert Charles Tillett et al., Appellants
S099070 Petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.
The Reporter of Decisions is directed not to publish in the
Official Appellate Reports the opinion in the above-entitled appeal,
filed June 8, 2001, which appears at 89 Cal.App.4th 1139. (Cal.
Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

4th Dist. People, Respondent
G026396 v.
Div. 3 Robert H. Swanson, Appellant
S099306 Petition for review DENIED.

4th Dist. People, Respondent
G026918 v.
Div. 3 Robert Peter Vordale, Appellant
S099869 Petition for review DENIED.

4th Dist. People, Respondent
G026938 v.
Div. 3 Robert Rios, Appellant
S098439 Petition for review DENIED.

4th Dist. People, Respondent
G026972 v.
Div. 3 Jason Janero Powell, Appellant
S099701 Petition for review DENIED.

4th Dist. G027318 Div. 3 S099758	In re Josue E., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Josue E., Appellant Petition for review DENIED.
4th Dist. G027642 Div. 3 S099775	People, Respondent v. Jesus Garcia, Appellant Petition for review DENIED.
4th Dist. G028064 Div. 3 S099483	People, Respondent v. Jose Francisco Garcia, Appellant Petition for review DENIED.
4th Dist. G028118 Div. 3 S099830	Estate of James C. Kane, Deceased ----- Michael Milenski, Appellant v. Maureen Kane, Respondent Petition for review DENIED.
4th Dist. G028395 Div. 3 S099374	J. Scott McFetters, Respondent v. Amplicon Incorporated et al., Appellants Petition for review DENIED.
4th Dist. G028933 Div. 3 S098505	In re James R. Marvin on Habeas Corpus Petition for review DENIED. Brown, J., was recused and did not participate.
4th Dist. G029326 Div. 3 S099739	Maximillian J, Petitioner v. Orange County Superior Court, Respondent Orange County Social Services Agency, et al., Real Parties in Interest Petition for review DENIED.

5th Dist. People, Respondent
F031792 v.
S098875 Leonard Bryce Thomas, Appellant
Petition for review DENIED.

5th Dist. People, Respondent
F033663 v.
S099614 Woodrow Wilson Jones, Appellant
Petition for review DENIED.
Baxter, J., was recused and did not participate.

5th Dist. People, Respondent
F033777 v.
S098910 Timothy Leon Whitfield, Appellant
Petition for review DENIED.

5th Dist. People, Respondent
F033997 v.
S098826 Thomas Earl Whitfield, Appellant
Petition for review DENIED.
Baxter, J., was recused and did not participate.

5th Dist. People, Respondent
F035383 v.
S099430 Gary Dean Ehle, Appellant
Petition for review DENIED.

5th Dist. People, Respondent
F036104 v.
S099475 Rayford Butler, Appellant
Petition for review DENIED.

5th Dist. In re Kevin P., a Person Coming Under the Juvenile Court Law
F036115 -----
S099567 People, Respondent
v.
Kevin P., Appellant
Petition for review DENIED.

5th Dist. Winncrest Homes Inc. et al., Petitioners
F037846 v.
S099631 Workers' Compensation Appeals Board, Respondent
Petition for review DENIED.
Baxter, J., was recused and did not participate.

6th Dist. Richard Crawford Wyckoff et al., Appellants
H020015 v.
S099102 State of California, Respondent
Petition for review DENIED.

6th Dist. People, Respondent
H020825 v.
S099678 Raul Joseph Castruita, Appellant
Petition for review DENIED.

6th Dist. Hermina Dallas, Appellant
H021096 v.
S099600 Coast Federal Bank, Respondent
Petition for review DENIED.

6th Dist. People, Respondent
H021268 v.
S099779 Donald Craig Smith, Appellant
Petition for review DENIED.

6th Dist. People, Respondent
H021386 v.
S098897 Joseph Delfin Rodriguez, Appellant
Petition for review DENIED.

6th Dist. People, Respondent
H021554 v.
S099625 Dan William Langley, Appellant
Petition for review DENIED.

6th Dist. People, Respondent
H022154 v.
S099582 Cesar Francisco Villa, Appellant
Petition for review DENIED.

6th Dist. Schlumberger Technologies, Inc., Petitioner
H022948 v.
S099386 Santa Clara County Superior Court, Respondent
KLA-Tencor Corporation, Real Party in Interest
The request for judicial notice is granted.
The request to file a document under seal is granted.
Petition for review DENIED.
Application for stay denied.

6th Dist. Ruth Carpontier, Petitioner
H023190 v.
S100341 Santa Clara County Superior Court, Respondent
Pauline Roberson et al., Real Parties in Interest
Application for stay and petition for review DENIED.

6th Dist. Ruth E. Carpontier, Petitioner
H023398 v.
S100337 Santa Clara County Superior Court, Respondent
Pauline Roberson et al., Real Parties in Interest
Application for stay and petition for review DENIED.

1st Dist. Steiny and Company Incorporated, Respondent
A075133 v.
Div. 3 Citicorp Real Estate Incorporated, Appellant
S080176 The requests for an order directing publication of the opinion in
the above entitled cause are DENIED.
George, C.J., and Chin, J. were recused and did not participate.

1st Dist. People, Respondent
A087671 v.
Div. 5 Keith Hopkins, Appellant
S100034 The request for an order directing publication of the opinion in
the above-entitled appeal is denied.

2nd Dist. Riccarda Watkins, Plaintiff and Appellant
B133381 v.
Div. 1 Lah Administrators, Inc., Defendant and Appellant
S097038 The request for an order directing publication of the opinion in
the above-entitled appeal is denied.

- 2nd Dist. Francisco Molina, Appellant
B138105 v.
Div. 2 Jin Kook Park, Respondent
S099129 The request for an order directing publication of the opinion in the above-entitled appeal is denied.
- 2nd Dist. Internal Services Department of County of Los Angeles, Appellant
B139976 v.
Div. 4 Civil Service Commission of County of Los Angeles, Respondent
S097977 Cheryl Ivory, Real Party in Interest
The request for an order directing publication of the opinion in the above-entitled appeal is denied.
- 2nd Dist. L. Gerald Koven et al., Petitioners
B141605 v.
Div. 7 Los Angeles County Superior Court, Respondent
S099053 Allstate Insurance Company, Real Party in Interest
The request for an order directing publication of the opinion in the above-entitled appeal is denied.
Chin, J., was recused and did not participate.
- 4th Dist. Jon Morgan Mason, Plaintiff and Respondent
E027140 v.
Div. 2 Office of the Administrative Hearings, Defendant and Respondent
S099283 Inland Regional Center, Real Party in Interest and Appellant
The request for an order directing depublication of the opinion in the above-entitled appeal is denied.
- 6th Dist. Lamar Oldham, Plaintiff and Appellant
H020861 v.
S098304 Santa Clara County, Defendant and Respondent
The request for an order directing publication of the opinion in the above-entitled appeal is denied.
- S031603 People, Respondent
v.
John Irving Lewis, Appellant
The Attorney General's "motion to vacate superior court's orders for proposed settled statement, hearing, and augmentation of the record," filed August 7, 2001, is granted to the extent that the

superior court is directed to vacate its order for a proposed settled statement and hearing as to nonverbal gestures and communications. The motion is otherwise denied.

S032146 People, Respondent

v.

Joseph Danks, Appellant

Good cause appearing therefor, appellant's unopposed "Motion to Augment Record on Appeal" is granted.

The clerk is hereby directed to file the attachment to the motion herein, and to transmit copies thereof to appellant and respondent

S091069 Amelco Electric, Plaintiff and Respondent

2nd Dist. v.

B129406 City of Thousand Oaks, Defendant and Appellant

Div. 6 Amicus curiae Associations of Specialty Contractors' August 20, 2001, request for judicial notice is denied.

S033998 In the Matter of Suspension of Attorneys

Pursuant to Rule 962, California Rules of Court

Ernesto Rey, #139404, was listed by the State Department of Social Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate District Attorney. He has subsequently been identified by the Department of Social Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that **Ernesto Rey, #139404**, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after October 12, 2001.

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate District Attorney pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above

provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S072196

In the Matter of Suspension of Attorneys

Pursuant to Rule 962, California Rules of Court

Thomas M. Wright, #147832, was listed by the State Department of Social Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate District Attorney. He has subsequently been identified by the Department of Social Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that **Thomas M. Wright, #147832**, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after October 12, 2001.

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate District Attorney pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S090057

In the Matter of Suspension of Attorneys

Pursuant to Rule 962, California Rules of Court

Having been provided proof of compliance pursuant to Family Code 17520, the suspension of **Harold John Gentner, State Bar No. 80082** pursuant to our order filed on July 21, 2000 and effective August 24, 2000, is hereby terminated.

This order is final forthwith.

S099345 In the Matter of Suspension of Attorneys

Pursuant to Rule 962, California Rules of Cou

Peter J. Pfund, #97803, was listed by the State Department of Social Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate District Attorney. He has subsequently been identified by the Department of Social Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that **Peter J. Pfund, #97803**, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after October 12, 2001.

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate District Attorney pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

